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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,492	10/11/2001	Eugene Wolbers	10906-007	9686

7590 05/21/2003

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EXAMINER

WILLIAMS, ERIC M

ART UNIT	PAPER NUMBER
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3681

DATE MAILED: 05/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/975,492

Applicant(s)

WOLBERS ET AL.

Examiner

Eric M Williams

Art Unit

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 25 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 16, 17, 39, 40 and 42-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 16, 17, 39, 40 and 42-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. This action is in response to the papers filed 02-25-2003 for serial number 09/975,492.

Election/Restrictions

2. Examiner acknowledges claim 18 as being drawn to a non elected species in the papers filed 12-3-2002, and therefore the rejection in the action dated 11-27-2002 is withdrawn.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 16 and 42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 16 and 42 are indefinite because it is unclear how the oil groove retains a lubricant while also receiving an o-ring. The scope of the claim is unascertainable because it is not clear whether the applicant is reciting the groove acting independently to retain lubricant or whether the o-ring is operating independently or in combination with the groove to retain liquid.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lonne ('371) in view of Thorson et al. ('163).

Lonne discloses a clutch release bearing (Fig. 2) with a bearing carrier Fig. 1 (1), a bearing assembly (2), a stationary race (5), a rotatable race (3), and a plurality of anti-friction elements (4), with an aligning ring (14), and the front face of the aligning ring defining a plane normal to the axis of the bearing carrier, and the rotatable race has a spherical face and the aligning ring has a spherical face engaging the spherical face of the rotatable race (Fig. 2).

Lonne discloses all the limitations of claims 1, 16 and 17 but lacks any specific disclosure of an oil groove extending radially about the rotatable race to retain a lubricant. Thorson et al. discloses a groove (100) between two relatively rotatable members (42 and 44) for retaining a lubricant for lubricant effectiveness. Additionally, Thorson discloses the two relatively rotatable members adapted to receive a ring seal (46) for retaining lubricant. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lonne such that it has a groove between the two relatively rotatable members (the support ring and the aligning ring), in view of Thorson, to maintain a fluid tight seal for optimum lubricant effectiveness.

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7. Claims 39, 40 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lonne ('371) in view of Thorson et al. ('163) and in view of Ernst et al. ('215).

Lonne in view of Thorson disclose all the limitations set forth in claims 39, 40 and 42, as set forth in the above rejection but lack any specific teaching of a clearance fit between the bearing assembly and the bearing carrier. Ernst (Fig. 1) discloses a clearance fit between the bearing assembly and the bearing carrier (s) to allow for limited radial movement of the bearing assembly. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lonne such that there is a clearance fit between the bearing assembly and the bearing carrier, in view of Ernst, to allow for limited radial movement of the bearing assembly.

8. Claims 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lonne in view of Thorson in view of Ernst as applied to claim 39 above, and further in view of Lassiaz ('049).

Ernst in view of Lonne and Allen discloses all the limitations of claims 43 and 44 including a sleeve (column 2, lines 32-35), but lacks any specific teaching of snap rings or spring washers to hold the components in axial position. Lassiaz discloses a snap ring, spring washer (46) used to hold axial positioning. It would have been obvious to one of ordinary skill in the art at the time of this invention to modify Lonne in view of Thorson and Ernst, such that a snap ring, spring washer is employed on a first end and a second end, in further view of Lassiaz, to hold the support sleeve and bearing assembly in axial position.

Response to Arguments

9. Applicant's arguments with respect to claims 1, 16, 17, 39, 40 and 42-44 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wiese ('276) discloses a two relatively rotatable members with a groove for retaining lubricant.


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M Williams whose telephone number is 703-305-0607. The examiner can normally be reached on Mon. - Fri. from 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A Marmor can be reached on 703-308-0830.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



EMW
April 30, 2003



5/1/03
CHARLES A. MARMOR
SUPERVISORY PATENT EXAMINER
APT UNIT 3681

Art Unit: 3681

Response to Arguments

9. Applicant's arguments with respect to claims 1, 16, 17, 39, 40 and 42-44 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wiese ('276) discloses two relatively rotatable members with a groove for retaining lubricant.

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